

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MICHAEL WHITFIELD,

Petitioner,

v.

NETHANJAH BRUTENBACH,

Respondents.

Case No. 3:23-cv-00305-ART-CLB

ORDER

Petitioner Michael Whitfield, a *pro se* Nevada prisoner, has not properly commenced this habeas action by either paying the standard \$5.00 filing fee or filing an application for leave to proceed *in forma pauperis* (“IFP”). He submitted a Petition for Writ of Habeas Corpus (ECF No. 1-1) under 28 U.S.C. § 2254, but he did not pay the \$5 filing fee or submit an IFP application.

Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The Court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner’s financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a copy of the prisoner’s account statement for the six-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

Petitioner will have 45 days from the date of this order to either pay the \$5 filing fee or submit a complete IFP application with all required documentation.

It is therefore ordered that the initial screening of the Petition for Writ of Habeas Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases is

1 deferred to until such time as he has fully complied with this order.

2 The Clerk of Court is instructed to send Petitioner a blank form IFP  
3 application for incarcerated litigants along with instructions, and a copy of this  
4 order.

5 It is further ordered that, within 45 days of the date of this order, Petitioner  
6 must file an IFP application that includes a: (a) financial certificate signed by  
7 Petitioner and an authorized prison official, (b) financial declaration and  
8 acknowledgement signed by Petitioner, and (c) copy of Petitioner's inmate  
9 account statement for the six-month period prior to filing. Alternatively,  
10 Petitioner must pay the \$5 filing fee within 45 days of the date of this order. If  
11 Petitioner decides to pay the filing fee from his inmate account, he must arrange  
12 to have a copy of this order attached to the check for the filing fee.

13 It is further ordered that Petitioner's failure to comply with this order within  
14 45 days by either submitting a complete IFP application, or paying the filing fee  
15 will result in the dismissal of this action without prejudice and without further  
16 advance notice.

17 DATED THIS 7<sup>th</sup> day July 2023.

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20 ANNE R. TRAUM  
21 UNITED STATES DISTRICT JUDGE  
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